

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/313,998	09/28/94	PROHN	477814

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E3M1/0819

**EXAMINER**

BAINBRIDGE, B

**ART UNIT**

2411

**PAPER NUMBER**

13

**DATE MAILED:**

08/19/97

Please find below and/or attached an Office communication concerning this application or proceeding.

*SEE ATTACHED*

Commissioner of Patents and Trademarks

# Advisory Action

Application No.

08/313,988

Applicant(s)

Gordon T. Brown

Examiner

Barton Bainbridge

Group Art Unit

2411



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jul 18, 1997 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

### ☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
  - ☐ they raise the issue of new matter. (See note below).
  - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: \_\_\_\_\_
- Claims objected to: \_\_\_\_\_
- Claims rejected: 2-7, 14-17, and 21-28

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

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***Response to Arguments***

1. Applicant's arguments filed 7/22/97 have been fully considered but they are not persuasive.

2. Claim objections:

As per the objection of claim 28, applicants state that the term "at about the time" is not taken in its complete context of "at about the time of the transaction" and that it is clear what is meant in this form. The examiner maintains that this term continues to be indefinite because it is unclear what "at about the time of the transaction" is. It could be 1, 5, 15 or even 30 minutes or more from the conception of the transaction. Further, the examiner appreciates applicants concession of amending the claim to make it clear that these steps are to be performed electronically. However, merely adding this limitation will not put the claim in condition for allowance.

3. 35 U.S.C. 112 rejections:

As per claim 28, the examiner acknowledges that "standardized codes" can be of any standard be it government, industry or proprietary. As a result this is a vague term that does not help in providing clarity to what applicants are intending to claim. However, after looking to the specification for a definition of standardized codes to determine what applicants consider to be

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standardized it remains to be ambiguous in that it appears that applicants are attempting to define a standard but do not provide enough information about the standard.

As per claim 18, the examiner acknowledges that it has been canceled.

4. 35 U.S.C. 103 rejections:

Applicants state that the reference relied upon for this rejection is not directed to the claimed invention and points out a number of excerpts from the Kniffen reference. The examiner maintains that the interview of Kniffen about the system developed by Budd (a parts supplier to the automotive industry) to share information about demand requirements, billing, transfer of funds, report generation, development of standards for transfer information etc. are all part of a system for electronic commerce and that the article teaches of motivation for promoting electronic commerce. Therefore, the examiner maintains that this reference directly reads on the claims of applicants invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barton Bainbridge whose telephone number is (703) 305-9769.

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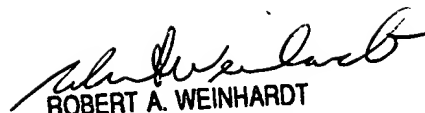
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August 16, 1997

BCB

  
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PRIMARY EXAMINER  
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